



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/466,282 12/17/99 RUBEN

D 42543.3

TM02/0131

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NEW YORK NY 10166

EXAMINER

GARLAND, S

ART UNIT	PAPER NUMBER
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2121

DATE MAILED:

01/31/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/466282

Applicant(s)

Ruben et al.

Examiner

Garland

Group Art Unit

2121

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 12/17/99
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-18 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-18 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Siegel 4,732,411.

Siegel discloses using a label having a miniature photograph of the patient on a prescription container. Siegel discloses that the picture is taken of the patient and then stored in computer memory so that it can reproduced on demand. See the abstract; figure 1; col. 2, lines 1-64; col. 3, lines 1-66; and note claim 1.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor

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and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 3-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siegel 4,732,411 in view of Williamson 5,842,976.

Siegel discloses using a label having a miniature photograph of the patient on a prescription container. Siegel discloses that the picture is taken of the patient and then stored in computer memory so that it can reproduced on demand. See the abstract; figure 1; col. 2, lines 1-64; col. 3, lines 1-66; and note claim 1.

Siegel however does not specifically state that two computers can be used, or that databases and inventory control are used; or that a digital camera is used.

Williamson teaches the use of a digital camera, use of multiple computers, use of databases and inventory control. See the abstract; figure 5 in particular; col. 1, lines 10-50; col. 2, lines 35-67; col. 3, lines 43-58; col. 4, lines 49-60; col. 5, lines 39-54; and col. 8, lines 23-32.

It would have been obvious to one of ordinary skill in the art to modify Siegel in view of Williamson and use two computers instead of one. This would allow multiple site computers to be used to input the photographs to a shared single label printer computer allowing fast input of data yet only requiring one printer.

Further it would have been obvious to one of ordinary skill in the art to modify Siegel in view of Williamson and use databases to store the various types of data comprising the

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photographs, prescription, and inventory data so that it could be easily organized, retrieved, and updated.

Additionally it would have been obvious to one of ordinary skill in the art to modify Siegel in view of Williamson and use a digital camera to take the photographs in view of Williamson's express teaching. This would allow ease in input of the photographs and their processing by the system and not require the use of chemical developers.

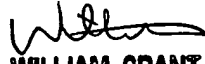
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Siegel 4,730,849 is similar to the Siegel 4,732,411 document. Niven 5,174,451 in figure 3 shows the use of a patient picture on the container. Kerfoot, Jr. 5,390,796 shows the use of various types of printed information, note element 33. Baum 4,918,604 teaches the use of a camera in col. 3, lines 43-46.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Garland whose telephone number is (703) 305-9759. The examiner can normally be reached on Monday-Thursday from 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Grant, can be reached on (703) 308-1108. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-6606.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800.

SaG
STEVEN GARLAND


WILLIAM GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100
1/26/07